

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
OCTOBER 10, 2013
COUNCIL CHAMBERS
6:30 p.m.**

CALL TO ORDER: Mayor Steven Burg called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

MAYOR	STEVEN BURG	PRESENT
1 ST DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 ND DISTRICT	PATRICIA FRANTZ	PRESENT
3 RD DISTRICT	ROBERT KACPERSKI	PRESENT
4 TH DISTRICT	CHARLES MCKEWEN	PRESENT
5 TH DISTRICT	JOANN I. PERSONTI	PRESENT
6 TH DISTRICT	DEBORAH A. NORKAVAGE	PRESENT

Town Solicitor, Edward McNally – Present

Town Manager, John Giles – Present

Chief of Police, Laura Giles – Present

PUBLIC COMMENT:

Ted Pfirrmann, 113 Ohio Ave, stated that he has some concerns over the proposal to grass the infield at Vilone Park. He stated that if only 25% of the youth who play baseball are from the Town of Elsmere, then why should the Town and its tax payers pay to grass the infield. Does the CAL pay to use the fields? What is the Return on Investment that the Town would get for paying for this project? What can the Town do to use the fields more, what are the restrictions on this type of investment and what stops other organizations from asking the Town to pay for things like this again?

APPROVAL OF MINUTES:

Minutes of the September 12, 2013 Council Meeting

ACTION: A motion was made by Councilwoman Norkavage to approve the minutes of the September 12, 2013 Council Meeting with no corrections. The motion was seconded by Councilman Jaremchuk.

VOTE: 6-0 with 1 Abstained Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – Yes, 4th District – Yes,
5th District – Abstained, 6th District – Yes, Mayor – Yes

Councilwoman Personti stated that she abstained because she was absent from the September 12, 2013 Council Meeting.

OLD BUSINESS:

Presentation by the Community Athletic League concerning the potential grassing of the infield at Vilone Park.

Chris Ferrara, the President of the Community Athletic League, stated that they have met with and spoken to Steve Gold who is the groundskeeper at the Wilmington Blue Rocks who has given a quote and suggestions for the infield project.

Steve Gold of the Wilmington Blue Rocks stated that cheapest way is the right way to do this. He stated that he has had a soil test done for the field and that the soil there will allow the sod to take and grow without adding topsoil that may contain contaminants. He stated that he would skim $\frac{3}{4}$ " of Dimatex off the field, laser grade the field, till and loosen the soil and add a fertilizer then the league can lay the sod.

Councilwoman Norkavage stated that she doesn't understand how if Dimatex inhibits growth of grass then how would tilling the Dimatex allow sod to grow.

Mr. Gold stated that it doesn't fully inhibit growth it slows growth as long as it is maintained. In addition when you till the soil you are mixing the fertilizer and soil in with the Dimatex which allows the soil to take root and grow.

Councilman Jaremchuk asked what the cost would be.

Mr. Gold stated that his cost is \$1,000.00 and that the CAL was providing the sod.

Chris Ferrara stated that the sod would cost \$950.00.

There was a lengthy discussion on where the water would drain after the precision grading was complete.

Chris Ferrara stated that the plan is to grade and have the water drain to the asphalt and into the storm water system.

Councilwoman Norkavage asked Town Manager John Giles how that would affect Stormwater Management.

Town Manager John Giles stated that the area is not a flood zone and that he cannot imagine that the infield would produce enough water to significantly affect the water flow. It would flow down to Olga Road and would flow down Marvillo Road to Vilone Road which already has issues and that he feels that the grass would at least absorb some of the water that is currently going other places.

ACTION: A motion was made by Councilman Jaremchuk to approve the grassing of the infield for a cost of \$2,050.00 to be paid from the Special Tax Lien Revenue Line. The motion was seconded by Councilwoman Personti.

Councilwoman Frantz stated that she had problem with the fact that Councilwoman Norkavage and Town Manager John Giles had asked to be part of the meeting at the field and were not included.

Brian Witt from the Community Athletic League stated that it was his fault, he went down to the Blue Rocks Stadium to ask Mr. Gold to meet with them and they decided to

go right then and that it was impromptu and that it was not intentional and that he did not have the Town Manager's phone number and that it will not happen again.

Town Manager John Giles stated that while the line appears in the financial report it is actually received as taxes and that it is broken out in the report so that the Council can see how much is collected. In addition, what is brought in for that line is now not being brought in under Code Enforcement Fines because they were moved. So while it appears to be excess money, it is coming in under a new name and was budgeted somewhere else.

ACTION: A motion was made by Councilman Jaremchuk to amend his motion to have the Town Manager determine the appropriate line item. The motion was seconded by Councilwoman Personti.

VOTE ON AMENDMENT: 5-1 with 1 Abstained Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – Abstained, 4th District – No, 5th District – Yes, 6th District – Yes, Mayor – Yes

VOTE: 6-0 with 1 Abstained Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – Abstained, 4th District – Yes, 5th District – Yes, 6th District – Yes, Mayor – Yes

Consideration for Third and Final Reading of Ordinance 571 Revised.

ACTION: A motion was made by Councilman McKewen to consider Ordinance 571 Revised for Third and Final Reading. The motion was seconded by Councilwoman Norkavage.

Town Manager John Giles gave a brief overview of the ordinance and what the revisions were and how there were clarifications and number inconsistencies; he further stated that there were no changes which substantially change the ordinance.

VOTE: 7-0 All-in-favor Motion carried

Consideration for Third and Final Reading of Ordinance 572.

ACTION: A motion was made by Councilman McKewen to consider Ordinance 572 for Third and Final Reading. The motion was seconded by Councilwoman Norkavage.

Town Manager John Giles gave a brief overview of the ordinance.

VOTE: 7-0 All-in-favor Motion carried

NEW BUSINESS:

Consideration of Resolution 13-07.

ACTION: A motion was made by Councilman Jaremchuk to approve Resolution 13-07. The motion was seconded by Councilwoman Norkavage.

Councilman Jaremchuk gave a brief overview of the resolution and how this is Ordinance 570 in a resolution with the change that it asks the Mayor and Council to consider the

annual Cost of Living Index when discussing the tax rate annually. This does not make an increase mandatory; it just asks the Mayor and Council to discuss the CPI.

Councilwoman Personti stated that while she understands that the Council should discuss these things, she does not feel this needs to be a Resolution and that the increase should be based on the need, not a number issued each year.

VOTE: 5-2 Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – Yes, 4th District – Yes,
5th District – No, 6th District – Yes, Mayor – No

Consideration of Proclamation 13-01.

Town Manager John Giles gave a brief overview of the proclamation.

ACTION: A motion was made by Mayor Burg to approve Proclamation 13-01. The motion was seconded by Councilwoman Frantz.

VOTE: 7-0 All-in-favor Motion carried

DEPARTMENTAL REPORTS:

Code Enforcement

Town Manager John Giles presented the written report.

Councilwoman Personti asked for an update regarding the issues at Fenwick Apartments.

Town Manager John Giles stated that we have received a report from BATTAs Environmental who tested every basement for mold and categorized them as levels 1, 2 or 3. Ratings of 1 & 2 are areas where mold is present but they believe the complex owners can remediate those mold areas themselves. Ratings of 3 are areas where mold is present and they believe a professional should remediate those areas. We met with the complex and they have agreed to these findings. They will be presenting their action plan to us in a meeting on October 21, 2013. Once they abate any building regardless of the level, the Code Enforcement Office will inspect every apartment within the building whether occupied or vacant. Therefore, once this is complete, not only will every basement have been inspected but every apartment in the complex will have been inspected. He is hoping this will be complete by the end of December 2013. They appear to be very cooperative. He stated that this is a very methodical and slow approach because there is no public health hazard, and that hopefully this will bring up the overall compliance level at the complex. He further stated that our policy is that we will not inspect an apartment where the basement has mold regardless of the level until the mold in that building has been appropriately abated.

Chief Laura Giles stated that the complex has installed 10 cameras around the property and that she is working with Delmarva to install 3 cameras on newly installed poles in the complex area.

Mayor Burg stated that he would like to see that they do not get a large amount of time to fix minor things like light bulbs since the general resident does not get that amount of time for simple violations.

Town Manager John Giles stated that they have never been given anything more than 48 hours to deal with the list of simple violations and in addition, any resident who has called our Code Enforcement Office with a legitimate concern about correcting a violation and has asked for an extension has gotten one.

Finance

Town Manager John Giles presented the written report. He also presented Council Report 13-04 to update the Mayor and Council on the Tax Status as of October 9, 2013.

Mayor Burg asked what the yellow highlighted properties on Council Report 13-04 were.

Town Manager John Giles stated that those are properties which are currently pending sheriff sale.

Councilwoman Personti asked if the property is a rental, how long the taxes will remain delinquent before the property is posted with a Cease and Desist.

Town Manager John Giles stated that this is where the change in license year is going to come in. He stated that the renewal notices were mailed October 1st and is due by October 31st. Any property owner who applies for renewal has the taxes checked and are not allowed to renew their license until the taxes are paid. Therefore, we should not have any registered rentals or businesses who owe delinquent taxes by November 1st; however, they could choose not to renew their license which would then require the Court action for Cease and Desist. This should cut down that number of delinquent rental and business properties by a significant amount.

Mayor Burg asked how we address the properties which fall under the "family" category and they avoid the licenses but owe taxes.

Town Manager John Giles stated that unfortunately we cannot enforce those any differently than the owner occupied property because they are exempt from the license requirements and there is nothing we can do other than the general delinquent process.

Mayor Burg asked what the policy for sheriff sale was.

Town Manager John Giles stated that based on the last conversations it is more than \$1,000.00 and more than 1 year, that way properties whose bill is over \$1,000.00 but is just the current year are not sent to sheriff sale but those others who are more than a year are collected.

Councilman McKewen asked how a property can have less due from last year than they owe this year and why their payment plan has stopped.

Town Manager John Giles stated that if they have defaulted on a payment plan then we do not allow you to sign a new agreement; however, we do charge the \$100.00 application fee to those who default on their plan. He further stated that we have made a few decisions to allow multiple payment plans but those who have defaulted multiple times typically are not allowed get another plan.

Public Safety

Chief Laura Giles presented the written report. She stated that she received the VAC totals for September which was \$16,155.90 with YTD totaling \$67,518.70. She further stated that she received red light fines this month which was \$456.09 which brings the YTD to \$1,029.02. She stated that 35-4 has been repaired and is back on the streets. Also the officers arrested a DSP armed robbery suspect within 1 hour of DSP posting the wanted notice on their website. She stated that Officer Davis' vest will be replaced from the shooting incident 8 months ago which he was not aware he had been shot; NCC is now confirming that this is where the bullet came from. The Departmental qualifications will be Monday, October 14, 2013 so the residents may see New Castle County patrolling the Town while the department is qualifying. The VA Police is hosting Prescription Drug take back on October 26th from 8am-2pm. Also Officer Rodick and his wife welcomed a baby boy on September 27th, Michael Wayne Rodick III.

Public Works

Town Manager John Giles presented the written report. He stated that the new truck has been ordered and that is a good thing because Bob Stewart's Truck died and will not be repaired. He asked that the Council continue to consider the purchase of a new Backhoe, winter is coming and he is confident that the tractor will not make it through the snow season which would mean we cannot use road salt because we cannot load it into the trucks.

Councilwoman Frantz asked to place the potential purchase of a Backhoe on the November 2013 Council Agenda.

Town Manager John Giles stated that the Council should see an increase in the street sweeper log since Bob Stewarts' truck is out of service, he has been assigned to drive the street sweeper daily.

Town Manager

Town Manager John Giles presented the written report. He stated that he has a number of items in addition to his report.

At this time Mayor Burg stepped out of the meeting.

1. Update on the Halloween Spooktacular event: Diana Reed stated that the event is scheduled for November 1, 2013, we have coordinated with the Elsmere Recreation Center where in conjunction with the Spooktacular they will be running a Scare Crow Contest which will kick off on October 15th and the winner will be announced at the Spooktacular. She stated that the Recreation Center will also be helping by running a mini-parade of the children in their costume, they will walk from Filbert Avenue at Baltimore Avenue into the Park to kick-off the event.

2. Update on the Emergency Notification System – Diana Reed stated that the data has been imported and that the training has been completed, a test call and opt-in message will be placed within the next 2 weeks to all numbers on the system. This will test the numbers in the database to verify that they are valid and encourage people to add additional numbers. She also stated that if there are residents who do not want to receive the emergency notifications, then they can come to Town Hall and sign a Do Not Call Waiver required by the Notification Company.

Councilman Kacperski asked if the system somehow verifies if the number is registered to Elsmere.

Mrs. Reed stated that the system does not do that and that she believes they should be allowed to opt in additional non-Elsmere numbers because there are elderly residents whose children have requested the notifications so that they know to check on their parent in an emergency and restricting the numbers would not allow that to happen.

At this time Mayor Burg re-entered the meeting.

3. Update on the Holiday Tree Lighting Ceremony – Diana Reed stated that the Tree Lighting is scheduled for Friday, December 6, 2013 and is the Friday directly before the Parade. Cab Calloway High School's Brass Ensemble of 30 members will be attending to provide entertainment for the evening, we have also hired a Santa this year, the Elsmere Business Association will also again be providing the bags that Santa will give to the Children.
4. Community Garden – Town Manager John Giles stated that he has met with the Community Garden Group and that he has come up with a concept regarding how to bring all the community garden ideas and what the Town wants from the Garden Group. He stated that he will be presenting the rules and concepts in November and that he is proposing to allow the Group to continue with their concept of controlled growing and then construct a 60 bed garden along M Street where it will lay along the new upcoming Walking Trail, and if the concept grows then we will have the space to allow additional beds.
5. League of Local Governments – Town Manager John Giles stated that he, Planning Commission Chairman Jerry Lindell and Code Enforcement Officer Brian Swift all attended a webinar regarding some potential new FCC Rules regarding Cell Towers and how this potential rule will strip most of a local communities power to decide if they are going to allow towers within their community. He stated that he contacted George Wright from the League and asked what the League position was on this and why it was not on some agendas. This led to the Town being asked to bring enough information to the meeting for everyone and to discuss it at the meeting.

6. Council Clothing – Town Manager John Giles stated that it has come to his attention that it has been some time since the Council received new shirts. He stated that he does believe the Council should be able to be identified and some members of Council are new or have changed positions so he believes a new order is due. Please contact him with sizes and what they believe they may want.
7. New Castle County – Town Manager John Giles stated that NCC is drafting an ordinance that will renumber portions of South Dupont Road and that the Town has gotten input which has determined that no Elsmere addresses will be affected by this ordinance.

ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:

District 1 – Councilman Jaremchuk asked the Town Manager to look into information on the cost and process to begin providing the electric to the residents, not generating but purchasing and reselling the electric.

Town Manager John Giles stated that he believes this was looked at in the past and that at the time it was somewhere around 2.5 million dollars to start up. He stated that he would try to get the information.

District 2 – Councilwoman Frantz stated that she believes it is a great idea that we continue to be very vocal in the League of Local Governments.

District 3 – Councilman Kacperski stated that he would like to see a discussion regarding a potential Solar Farm within the Town on the November 2013 agenda.

District 4 – None

District 5 – Councilwoman Personti stated she wanted to apologize to the Town Manager for the issues she was having with her iPad, she stated it was because she had changed her password to her account on the computer and did not realize she had to change the setting for the iPad as well. She asked to discuss highway decorative flags and decorations on street poles, she is interested in doing that again and having the flags sponsored by businesses or in memory.

Town Manager John Giles stated the Town does not own the poles on the highway and that the last time that we had the banners on the highway we spent 3 months trying to get the permits and were given a 45 day permit. This is a lengthy and expensive process and they made changes that certain poles couldn't be used and asked if the Council is still interested based on the lengthy process.

District 6 – None

Mayor – Mayor Burg asked that the Town look up some additional prices for backhoes.

PUBLIC COMMENT: None

ADJOURNMENT:

ACTION: A motion was made by Councilwoman Personti to adjourn. The motion was seconded by Councilman McKewen.

VOTE: 7-0 All-in-Favor Motion carried

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

STEVEN E. BURG
MAYOR

JOANN I. PERSONTI
SECRETARY

UNAPPROVED